

Article - Real Property

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§13-408.

(a) (1) If the Commissioner or the circuit court, as the case may be, determines that the applicant has failed to comply with the requirements of this title, the final judgment of the Commissioner or the court shall dismiss the application and terminate the proceedings on it.

(2) If an objection is filed under this subtitle and the Commissioner or the circuit court, as the case may be, determines that the objector meets the applicable requirements of § 13-401 of this subtitle, the final judgment of the Commissioner or the court shall:

(i) Sustain the objection; and

(ii) As to that portion of the land to which the objection applies, dismiss the application and terminate the proceedings on it.

(3) If the Commissioner or the circuit court, as the case may be, determines that an applicant has complied with the requirements of this title, then, as to any land for which an objection is not filed under this subtitle or, if filed, not sustained under paragraph (2) of this subsection, the final judgment of the Commissioner or the court shall:

(i) In accordance with § 13-313(c) of this title, set the purchase price for any of the land that is vacant land; and

(ii) Order a patent to be issued to the applicant for the land, on payment of the purchase price and any expenses owed.

(b) If the final judgment of the Commissioner or the circuit court establishes that a patent should be issued for less than all of the land embraced within the certificate of survey, the Commissioner shall issue an amended warrant to the surveyor, directing him to amend the certificate of survey in accordance with the judgment within 90 days.

(c) If the final judgment of the Commissioner or the circuit court includes any land not embraced within the certificate of survey, the applicant shall initiate new proceedings for the entire tract.

(d) If an objection by the State or one of its agencies claiming public use under § 13-401(3) of this subtitle is sustained, the final judgment of the Commissioner or the circuit court shall direct the objector to reimburse the applicant for all reasonable expenses and reasonable attorney's and surveyor's fees incurred by the applicant in the proceeding in connection with that portion of the land to which the objection is sustained. If there is a dispute as to the amount, the applicant may recover in a court of law all further expenses incurred by the applicant in connection with the dispute.

(e) The opinion of the Commissioner in a land patent case or a proceeding to reserve land by a governmental body shall be published in the Maryland Register.

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